

REMARKS

Claims 1 and 2 are pending in this application, both of which have been amended. No new claims have been added.

The Examiner has objected to Fig. 2 because it is a block diagram which uses numerals instead of actual text to express method steps.

Accordingly, Fig. 2 has been replaced with another drawing showing only vibration measuring part 6 containing the intermittent-vibration frequency value 17, the continuous-vibration frequency value 18 and the static-vibration frequency value 19. All other elements of Fig. 2 are shown in Fig. 1 and can be eliminated from Fig. 2. The labels on the horizontal axis of Fig. 3 have also be corrected.

A substitute specification has been prepared correcting various grammatical, idiomatic and spelling errors. No new matter has been added.

Claims 1 and 2 stand rejected under 35 USC §112, second paragraph, as indefinite.

Accordingly, claims 1-2 have been amended to correct the noted instances of indefiniteness, and the 35 USC §112, second paragraph, rejection should be withdrawn.

Claims 1 and 2 stand rejected under 35 USC §103(a) as unpatentable over U.S. Patent 5,542,431 to Starzl et al. (hereinafter "**Starzl et al.**") in view of U.S. Patent 4,686,103 to Anderson (hereinafter "**Anderson**").

Applicant respectfully traverses this rejection.

Starzl et al. discloses a system for making determinations related to the heat cycle in a cow. The system includes an electronic patch attached to the cow. A transmitter module for transmitting heat mount data is contained in a pouch of the electronic patch. A removable and disposable battery is also contained in the pouch for powering the transmitter module. The heat mount data from the transmitter module is sent to a repeater module to maintain the quality of the transmitted heat mount data signal. The heat mount data is re-transmitted by the repeater module to a central receiver module which includes a memory for storing heat mount data. The heat mount data is downloaded to a computer upon request using software that is also used to analyze the heat mount data. Analysis of the heat mount data results in determining a value that is useful in deciding on the optimal time to breed the cow.

The Examiner has cited column 2, lines 51-67 for teaching the intermittent vibration frequency values recited in claim 1 of the present invention.

Applicant respectfully disagrees. Column 2, lines 51-67 disclose the frequency of “heat mounts”, which refers to the number of times the animal climbs on (or “mounts”) the back of another animal, which demonstrates being “in heat”. This is distinguished from the intermittent vibration frequency detected by the present invention, which is a measurement of the number of steps taken by the animal over a period of time.

The Examiner has admitted that Starzl et al. fails to disclose that the date of delivery is predicted on the basis of the analysis, but has cited Anderson for teaching this feature.

Applicant respectfully disagrees. Anderson teaches no more than that pregnancy in cattle lasts approximately 283 days, which is well-known. Thus, neither reference discloses that the delivery date is actually predicted by the centralized computer.

Furthermore, neither reference teaches, mentions or suggests a disease discovering function included in the centralized computer, as recited in claims 1 and 2 of the instant application.

Thus, the 35 USC §103(a) rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-2, as amended, are in condition for allowance, which action, at an early date, is requested.

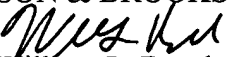
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 10/614,039
Response to Office Action dated October 5, 2004

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Replacement Sheets of Drawing (Figs. 1-3)
Substitute Abstract of the Disclosure
Marked-Up Specification
Substitute Specification

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IN THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 2 and Fig. 3. This sheet, which includes Figs. 1-3, replaces the original sheet including Figs. 1-3. Fig. 2 has been replaced with another drawing showing only vibration measuring part 6 containing the intermittent-vibration frequency value 17, the continuous-vibration frequency value 18 and the static-vibration frequency value 19. All other elements of Fig. 2 are shown in Fig. 1 and have been eliminated from Fig. 2. The labels on the horizontal axis of Fig. 3 have also be corrected.